

SB 1326 Senate Bill - Bill Analysis
BILL ANALYSIS

SENATE RULES COMMITTEE	SB 1326
Office of Senate Floor Analyses	
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UNFINISHED BUSINESS

Bill No: SB 1326
Author: Senate Local Government Committee
Amended: 7/25/02
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE : 6-0, 4/24/02
AYES: Torlakson, Ackerman, Machado, Margett, Perata, Soto

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

SENATE FLOOR : 38-0, 5/16/02 (Passed on Consent)
AYES: Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte,
Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes,
Johannessen, Johnson, Karnette, Knight, Kuehl, Machado,
Margett, McClintock, McPherson, Monteith, Morrow,
O'Connell, Oller, Ortiz, Peace, Perata, Polanco,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson,
Vasconcellos

ASSEMBLY FLOOR : 78-0, 8/15/02 (Passed on Consent) - See
last page for vote

SUBJECT : Local Government Omnibus Act of 2002

SOURCE : Author

DIGEST : This bill enacts the Local Government Omnibus

Act of 2002 and makes numerous changes to laws affecting local agencies' powers and duties. (See Analysis for specifics.)

Assembly amendments make additional minor and technical changes to law, including incorporating changes in the Government Code proposed by AB 2122 (Washington), to be operative only if AB 2122 and this bill are both enacted and become effective on or before January 1, 2003, and this bill is enacted last.

ANALYSIS : Each year local officials discover problems with the state statutes that affect counties, cities, special districts, and redevelopment agencies, as well as the laws on land use planning and development. These problems are relatively minor and do not warrant separate (and expensive) bills. According to the Legislative Analyst, in 2001-02 the cost of producing a bill is \$17,890.

The Senate Local Government Committee responds by combining several of these minor topics into an annual "omnibus bill." For example, the Committee's 2001 omnibus bill was SB 210 which contained 36 noncontroversial statutory changes, saving over \$625,000 in legislative costs (Chapter 176, Statutes of 2001). Although this practice may violate a strict interpretation of the single-subject and germaneness rules expressed in *Harbor v. Deukmejian* (1987) 43 Cal. 3d 1078, it is an expeditious and relatively inexpensive way to respond to multiple requests.

Among its provisions, this bill:

1. Allows Amador County to lease State property (five acres of the lone Youth Facility) instead of the Mother Lode Juvenile Facility Authority. In 2001, the Legislature authorized the Department of General Services to lease that property to the County of Amador on behalf of the Mother Lode Juvenile Facility Authority. Amador County officials report that they could not develop a cost-sharing agreement with Calaveras and Tuolumne counties, therefore Amador County officials want the Legislature to amend the statutory authorization so that Amador County can lease the State property instead of the Mother Lode Juvenile Facility Authority.

2. Allows county auditor-controllers to review departmental and countywide internal financial controls as part of their general supervision of county finances. The State Association of County Auditors notes that State law does not explicitly give auditor-controllers the power to review county departments' internal financial controls or perform internal audits unless the county supervisors request those reviews.
3. Authorizes counties, cities, and special districts to pay for benefits for retired workers' dependents. Counties, cities, and special districts can pay for their employees' health and welfare benefits, and for their employees' dependents' benefits. Local agencies can also pay retired employees' continued benefits. A 1993 Attorney General's opinion states that local agencies can pay for retired employees' dependents' benefits. This bill clearly authorizes local agencies to pay these benefits.
4. Requires the votes of a majority of the members of a city council before the council can pass resolutions, payments, and ordinances. Although the city councils in most general law cities have five members, State law allows general law cities to have city councils with seven or even nine members. State law requires the votes of at least three city councilmen (women) to pass resolutions, payments, and ordinances. It is notes that in a city council with seven or nine members, just three votes would be less than a majority. This bill clarifies that city actions require the votes of a majority of the members of a city council.
5. Authorizes the Coachella Valley Recreation and Park District, the Hesperia Recreation and Park District, and the Parker Dam Recreation and Park District to provide street lighting facilities and services. The districts can provide community recreation programs, recreation facilities, parks, and open space. The Legislature had previously permitted certain districts to deliver other local services. The Parker Dam district can run a water system and provide electricity, the Camp Meeker district can provide water and sewer services, and the Lucerne district can run the local fire department. Traditionally, the Coachella Valley, Hesperia, and

Parker Dam districts have provided street lighting services in parts of their districts although they lacked specific statutory authority. This bill codifies that practice.

6. Incorporates changes in the Government Code proposed by AB 2122 (Washington), to be operative only if AB 2122 and this bill are both enacted and become effective on or before January 1, 2003, and this bill is enacted last.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

SUPPORT : (Verified 8/16/02)

State Treasurer Philip Angelides
Association of California Water Agencies
California Association of County Treasurers and Tax
Collectors
California Land Surveyors Association
Coachella Valley Recreation and Park District
County of Alameda
County of Amador
County of Kern
County of Los Angeles
Hesperia Recreation and Park District
Michael Colantuono
Nipomo Community Services District
Regional Council of Rural Counties
State Association of County Auditors

ARGUMENTS IN SUPPORT : According to Senate Local Government Committee analysis, this bill collects 14 noncontroversial changes to the state laws affecting local agencies and land use into a single bill. Sending a bill through the legislative process costs about \$17,890. By avoiding additional bills, the Senate Local Government Committee's bill avoids about \$230,000 in legislative costs. Although the practice may violate a strict interpretation of the single-subject and germaneness rules, the committee insists on a very public review of each item. Should any item in this bill attract opposition, the committee will delete it from the bill. There is no hidden agenda.

ASSEMBLY FLOOR :

AYES: Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh,
Briggs, Calderon, Bill Campbell, Canciamilla, Cardenas,
Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn,
Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra,
Firebaugh, Florez, Frommer, Goldberg, Harman, Havice,
Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe,
Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu,
Longville, Lowenthal, Maddox, Maldonado, Matthews,
Migden, Mountjoy, Nakano, Nation, Negrete McLeod,
Oropeza, Robert Pacheco, Rod Pacheco, Pavley, Pescetti,
Reyes, Richman, Runner, Salinas, Shelley, Simitian,
Steinberg, Strickland, Strom-Martin, Thomson, Vargas,
Washington, Wayne, Wiggins, Wright, Wyland, Wyman,
Zettel, Wesson

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SUPPORT/OPPOSITION: SEE ABOVE

***** END *****